

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MATEO GOMEZ,

Plaintiff,

v.

CASE NO. 19-3212-SAC

CORIZON,

Defendant.

ORDER

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. Plaintiff filed a motion for leave to proceed *in forma pauperis*. (Doc. 2.) On October 22, 2019, the Court entered a Notice of Deficiency (Doc. 3) granting Plaintiff until November 21, 2019, to provide the financial information required to support his motion for leave to proceed in forma pauperis. *See* 18 U.S.C. § 1915(a)(2). The Court’s Notice of Deficiency provides that “[i]f you fail to comply within the prescribed time, the Judge presiding over your case will be notified of your non-compliance, and this action may be dismissed without further notice for failure to comply with this court order.” (Doc. 3.) Plaintiff has not provided the financial information by the deadline.

Rule 41(b) of the Federal Rules of Civil Procedure “authorizes a district court, upon a defendant’s motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or ‘a court order.’” *Young v. U.S.*, 316 F. App’x 764, 771 (10th Cir. 2009) (citing Fed. R. Civ. P. 41(b)). “This rule has been interpreted as permitting district courts to dismiss actions *sua sponte* when one of these conditions is met.” *Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)). “In addition, it is well established in this circuit that a district court is

not obligated to follow any particular procedures when dismissing an action *without prejudice* under Rule 41(b).” *Young*, 316 F. App’x at 771–72 (citations omitted).

Plaintiff has failed to provide the financial information by the deadline. Therefore, this case is dismissed without prejudice pursuant to Rule 41(b).

IT IS THEREFORE ORDERED THAT this matter is **dismissed without prejudice** under Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED THAT Plaintiff’s motion for leave to proceed *in forma pauperis* (Doc. 2) is **denied**.

IT IS SO ORDERED.

Dated November 26, 2019, in Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow
U.S. Senior District Judge